

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of:

DEC 06 2005

PUBLIC SERVICE  
COMMISSION

ADJUSTMENT OF RATES )  
OF CUMBERLAND VALLEY ) CASE NO. 2005-00187  
ELECTRIC, INC. )

ATTORNEY GENERAL'S REPLY TO PETITIONER'S RESPONSE  
TO ATTORNEY GENERAL'S EMERGENCY MOTIONS TO REQUEST  
SUBPOENAS ORDERING CERTAIN OF PETITIONER'S EMPLOYEES TO  
SUBMIT TO DEPOSITIONS

\* \* \* \* \*

The Attorney General, by counsel, states as follows for his reply to petitioner's response to the Attorney General's previously filed motions to request subpoenas for certain of petitioner's employees to submit to depositions:

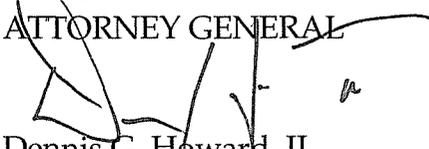
The Office of the Attorney General has received allegations from confidential sources of imprudent, inappropriate spending, in substantial amounts, authorized by petitioner's senior management. Moreover, this Office has learned of further allegations that petitioner's current president, Ted Hampton, has called some of the Attorney General's scheduled witnesses into individual, private meetings in his office, and has asked them about their "amnesia" and their memories, and further, that Mr. Hampton has advised petitioner's employees concerning how they should answer the Attorney General's anticipated questions.

If the allegations are true, the Office of the Attorney General views such tactics as highly inappropriate, at their very best. If true, Mr. Hampton's tactics are clearly designed to be obstructive and prevent the Attorney General from gathering unadulterated testimony and further evidence through the exercise of undue influence, intimidation and harassment of his employees.

The Attorney General renews his motion for the Commission to order Mr. Hampton excluded from the depositions of his employees. Contrary to counsel for petitioner's arguments, neither petitioner nor Mr. Hampton will be prejudiced in any manner by the latter's exclusion from said depositions. Petitioner's counsel will have the right to attend the depositions, to cross-examine witnesses, and to convey all developments to Mr. Hampton. Further, Mr. Hampton will have ample opportunity to review the testimony through the deposition transcripts.

The petitioner in this case is Cumberland Valley Electric, not Mr. Hampton. It is not Mr. Hampton's rights that are being adjudicated in this proceeding. Discovery should be allowed to proceed so that the interests of petitioner's ratepayers are fully represented.

Respectfully submitted,  
GREGORY D. STUMBO  
ATTORNEY GENERAL



Dennis G. Howard, II  
Elizabeth E. Blackford  
Lawrence W. Cook  
Assistant Attorneys General

1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
502 696-5453

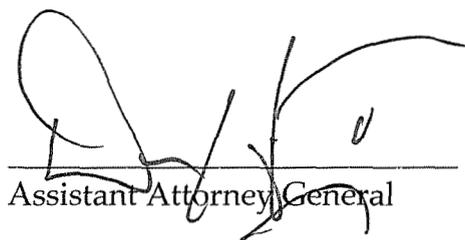
*Certificate of Service and Filing*

Counsel certifies that an original and seven photocopies of the Attorney General's Reply to Petitioner's Response to the Attorney General's Motion for Subpoenas for Depositions were served and filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct copy of the same, first class postage prepaid, to

Ted Hampton  
Cumberland Valley Electric, Inc.  
P.O. Box 440  
Gray, Kentucky 40734

Mr. Pat Houser  
P.O. Box 1900  
Barbourville, KY 40906

all on this 6<sup>th</sup> day of December, 2005.

  
Assistant Attorney General